



South Carolina House of Representatives

Legislative Update

Robert W. Harrell, Jr., Speaker of the House

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HOUSE WEEK IN REVIEW

The House of Representatives amended, approved, and sent to the Senate **H.4404**, a bill establishing **SAFETY NET PROGRAMS FOR ELECTRIC AND NATURAL GAS CUSTOMERS WITH SPECIAL NEEDS** to ensure that their utility services are protected from termination during extreme weather conditions. The legislation provides that during the heating season (December through March) and cooling season (June through August), a public utility may not disconnect residential service on a day when the National Weather Service predicts that the local forecasted average temperature will exceed specified extremes. A public utility is required to establish and maintain a program that allows a customer to register as a special needs customer if the individual is: (a) sixty-five years of age or older and unable to pay the amount of the charges due for services; or (b) disabled, chronically ill, seriously ill, or on life support. Each public utility shall establish a written procedure for disconnection of service for a special needs customer and during extreme weather conditions. If a public utility has scheduled a disconnection of service of a registered special needs customer not less than ten days before a scheduled disconnection, the public utility shall mail a written disconnection notice. If the registered special needs customer has not paid or arranged for payment, the public utility shall mail a written notice of scheduled disconnection three days before the scheduled disconnection of service. Before the service is disconnected from a registered special needs customer, the public utility's disconnection crew shall make a good faith effort to make personal contact with either the registered special needs customer, the account holder, or a responsible person of suitable age and discretion at the premises before disconnecting the service. If the disconnection crew makes such contact and is advised that the registered special needs customer has serious health concerns, disconnection must be suspended. The crew shall notify the public utility that the disconnection has been suspended and the public utility shall either follow its internal special needs customer review process or, if the account holder or the registered special needs customer requests a payment extension from the disconnection crew, the scheduled disconnection must be suspended for one full business day beyond the scheduled date for disconnection. A public utility is required to establish and maintain a Winter Protection Program that automatically includes all registered special needs customers. Other customers may register for the Winter Protection Program with a medical certificate signed by a licensed health care provider attesting that termination of electric or natural gas service would be dangerous to the customer's health due to the customer's medical conditions. The medical certificate submitted with the application for the Winter Protection Program may indicate that the customer's medical condition is permanent or that the certificate is effective only for thirty, sixty, ninety, or one hundred twenty-day periods. After this effective period, the customer is required to submit a renewed medical certificate in order to continue to be registered as a Winter Protection Program customer. A customer with a permanent medical condition must submit a renewed medical certificate annually in order to continue to be registered in the program. During the heating season of December through March, a public utility may not disconnect residential service when an account holder can provide to the public utility the application for the Winter Protection Program no less than three days before proposed disconnection of service or to the disconnection crew at time of disconnection. A public utility is also required to establish and maintain a third-party notification program under which any residential customer may designate a third party to receive all appropriate notifications regarding disconnection of services. The legislation requires

public utilities to issue certain notifications and public announcements so that customers are informed of the availability of these programs.

The House amended, approved, and sent to the Senate **H.4328**, a bill regarding the **STATEWIDE ASSESSMENT PROGRAM**. Highlights of the bill are as follows:

- Requires the Budget and Control Board to request proposals for the purpose of conducting a study on the feasibility and cost of converting the state assessment program to a computer-based or computer-adaptive format with the report issued no later than December 15, 2006. The bill lists specifications of the study.
- Changes the definition of 'objective and reliable statewide assessment' to allow for a portion of which to contain only multiple choice questions designed to reflect a range of cognitive abilities beyond the knowledge level.
- Includes a definition of 'formative assessment.'
- Further defines that the state assessment program be designed to promote student learning and provide professional development to educators.
- Clarifies that the exit examination is to be given first in a student's second year of high school enrollment.
- Specifies that the science and social studies portion of the exit exam shall be met by passage of a high school credit course in science and a course in United States history in which end-of-course examinations are administered beginning in 2010.
- Requires the State Board of Education to create by December 31, 2006, a statewide adoption list of formative assessments aligned with the state content standards; provides that for use beginning with the 2007-2008 school year, with funds appropriated by the General Assembly, local districts must be allocated resources to select and administer formative assessments;
- Requires the adoption of a developmentally appropriate formative reading assessment for use in the first and second grades.
- Requires on-going professional development in the creation and use of classroom assessments, the use of formative assessments and the use of the end-of-year state assessments.
- Requires field test items to be embedded with the annual assessments.
- Allows for the development of a sampling plan to administer science and social studies assessments for elementary and middle school students so that students would not be required to take both tests except in census grade testing as required by NCLB.
- Calls for the establishment of a task force to recommend alternative evidence and procedures that may be used to allow students with documented disabilities to meet graduation requirements even if they have failed the exit examination.
- Requires the annual convening of curriculum experts to analyze the results of the assessments, including item by item performance and a plan for disseminating additional information about the assessment results to districts.

The House adopted and sent to the Senate **H.4484**, a concurrent resolution requesting the **EDUCATION OVERSIGHT COMMITTEE TO STUDY FOUR-YEAR-OLD KINDERGARTEN PROGRAMS**. Under the resolution, the EOC is to inventory and study all four-year-old kindergarten programs in this State funded in whole or in part with

federal, state, or local public funds. The EOC is to determine the necessary requirements to implement a full day four-year-old kindergarten program for all children who qualify for free or reduced priced lunch in each of the eight plaintiff school districts in the case of Abbeville County School District, et al., v. State of South Carolina, et al. and statewide. The EOC is to collaborate with the Office of First Steps to School Readiness on these studies and submit results to each house of the General Assembly by March 15, 2006

The House approved **S.185** and enrolled the bill for ratification. Current law provides that the **OFFICIAL BALLOT FOR PRESIDENTIAL ELECTORS** shall not be combined with any other official ballots. The bill eliminates the prohibition against combining the official ballot for presidential electors with any other official ballots. With regard to the **REQUIREMENTS OF VOTE RECORDERS** in S.C. Code Ann. §7-13-1340, this bill adds references to optical can voting devices as well as deletes provisions requiring separate votes for candidates for the offices of presidential electors.

The House approved and sent to the Senate **H.4331**. This bill **PROHIBITS A PERSON FROM ACCEPTING MORE THAN ONE NOMINATION FOR THE SAME OFFICE.**

The House approved and sent to the Senate **H.4387**. This bill requires an elected or appointed **MEMBER OF A POLITICAL SUBDIVISION OF THIS STATE TO BE PHYSICALLY PRESENT AT A MEETING WHEN HIS VOTE IS CAST.**

The House approved and sent to the Senate **H.3166**. This bill requires the executive committee of a political party to name a **REPLACEMENT CANDIDATE** as soon as possible. The bill further provides if the replacement candidate is not named within 30 days, the party is prohibited from naming a replacement candidate for that office.

The House approved and sent to the Senate **H.3594**. This bill provides that the **TERMS OF OFFICE OF VARIOUS COUNTY OFFICERS** is four years and begins at noon on the first Tuesday in January following the November general election and ends at noon on the first Tuesday in January following the November general election four years later. These provisions apply to those officers whose terms of office are not otherwise set by another provision of law.

The House did not concur in Senate amendments to **S.145**, a bill regarding **LIMITS ON ARKANSAS BLUE CATFISH TAKEN FROM LAKE MARION AND LAKE MOULTRIE.**

HOUSE COMMITTEE ACTION

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

The full committee did not meet this week.

EDUCATION AND PUBLIC WORKS

The full Education and Public Works Committee reported favorable on **H.4046**, regarding **SCHOOL BUS REPLACEMENT**. This bill requires that with funds appropriated by the General Assembly, the State Board of Education shall implement a school bus replacement cycle to replace approximately one-twelfth of the fleet each year, resulting in a complete replacement of the fleet every twelve years.

The Committee reported favorable with amendment on **H.3882**, regarding **YEAR OF MANUFACTURE LICENSE PLATES**. As reported by the Committee, this bill authorizes and provides for the owner of a motor vehicle that is thirty years old or older to apply to the Department of Motor Vehicles to use a license plate issued by this State in the year corresponding to the model year of the vehicle, if the license plate is legible and serviceable, as determined by the Department.

The Committee reported favorable on **H.4406**, regarding **REAUTHORIZATION OF THE SOUTH CAROLINA FIRST STEPS TO SCHOOL READINESS ACT**. This joint resolution reauthorizes the Act until July 1, 2013. (The 1999 Act includes a provision that the act is repealed July 1, 2007, unless reauthorized by the General Assembly.)

The Committee reported favorable on **S.947**, also regarding **REAUTHORIZATION OF THE SOUTH CAROLINA FIRST STEPS TO SCHOOL READINESS ACT**. This joint resolution also reauthorizes the provisions of this act until July 1, 2013.

The Committee reported favorable with amendment, minority unfavorable, on **H.4429**, regarding the **SCHOOL TERM**. As reported by the Committee, this bill repeals current sections of law regarding school terms, makeup days, and minimum hours and use of school days. The provides each local school district board the authority to establish an annual school calendar for teachers, staff, and students. The bill provides that the statutory school term is 190 days annually and shall consist of a minimum of 180 days of instruction covering at least nine calendar months.

Beginning with the 2007-2008 school year, the bill provides that the opening date for students must not be before the third Monday in August, except for schools operating on a year-round modified school calendar. The bill allows for three days for professional development; two days for preparation of opening of schools; and five days for teacher planning, academic plans, and parent conferences. The bill does not require uniformity of instructional hours in an instructional day among the schools in a district.

The bill requires that all school days missed because of snow, extreme weather conditions, or other disruptions must be made up, and provides for school districts to designate three days to be used in such instances as make-up days. If those designated days are no longer available, the local school board may lengthen the hours of school operation or operate schools on Saturday, as provided in the bill.

The bill allows the General Assembly by law to waive the requirements of making up missed days or, by law, to authorize the school board to forgive up to three days missed because of these weather conditions or other disruptions.

The bill requires that the instructional day for secondary students must be at least six hours a day, or its equivalent weekly, excluding lunch, and the school day for elementary students must be at least six hours a day or its equivalent weekly, including lunch. The bill allows elementary and secondary schools to reduce the length of the instructional

day to not less than three hours on not more than three days each school year for staff development, teacher conferences, or the administering of certain examinations.

The bill requires that priority during the instructional day be given to teaching and learning tasks.

The bill authorizes and provides for the State Board of Education to waive the school opening date requirement on a showing of “good cause” or for an “educational purpose” as those terms are defined in the bill.

JUDICIARY

The full Judiciary Committee met on Tuesday, January 24, 2006.

H.3907, which **INCREASES THE NUMBER OF FAMILY COURT JUDGES AND CIRCUIT COURT JUDGES**, was recommitted to the Constitutional Laws Subcommittee.

The full committee adjourned debate on **H.3881**, the “**SOUTH CAROLINA PRIORITY INVESTMENT ACT.**”

S.108 was recommitted to the Criminal Laws Subcommittee. This bill creates a **CIVIL CAUSE OF ACTION FOR UNCOMPENSATED RECEIPT OF HEALTH CARE SERVICES AND A CIVIL CAUSE OF ACTION FOR FAILURE TO PROVIDE HEALTH CARE SERVICES AFTER ACCEPTING A DOWN PAYMENT.**

H.3594 received a favorable report. This bill provides that the **TERMS OF OFFICE OF VARIOUS COUNTY OFFICERS** is four years and begins at noon on the first Tuesday in January following the November general election and ends at noon on the first Tuesday in January following the November general election four years later. These provisions apply to those officers whose terms of office are not otherwise set by another provision of law.

The full committee recommitted **H.3160** to the Election Laws Subcommittee. This bill relates to **ELECTION DATES AND TERMS OF OFFICE FOR MEMBERS OF THE GENERAL ASSEMBLY.**

The Judiciary Committee adjourned debate on **H.3831**, relating to **ALTERNATIVE POLLING PLACES IN THE CASE OF AN EMERGENCY.**

H.3166 received a favorable report. This bill requires the executive committee of a political party to name a **REPLACEMENT CANDIDATE** as soon as possible. The bill further provides if the replacement candidate is not named within 30 days, the party is prohibited from naming a replacement candidate for that office.

The full committee gave **H.3721** a favorable report. This bill relates to **SUBSTITUTION OF A CANDIDATE WHERE THE PARTY NOMINEE DIES, BECOMES DISQUALIFIED, OR RESIGNS.** The bill requires the State Election Commission to review the withdrawal of a candidate in a multi-county election or an election for a member of the General Assembly.

S.185 received a favorable report. Current law provides that the **OFFICIAL BALLOT FOR PRESIDENTIAL ELECTORS** shall not be combined with any other official ballots. The bill deletes the prohibition against combining the official ballot for presidential electors with any other official ballots. With regards to the **REQUIREMENTS OF VOTE RECORDERS** in S.C. Code Ann. §7-13-1340, this bill adds references to optical can voting devices as well as deletes provisions requiring separate votes for candidates for the offices of presidential electors.

The full committee gave a favorable report to **H.3720**. This bill relates to **ABSENTEE VOTING BY ARMED SERVICES PERSONNEL DURING A MILITARY EMERGENCY**. As used in this bill, 'emergency' means a war, conflict, military action, or military mobilization outside the continental United States in which United States forces are involved that would make it impractical for a South Carolina citizen serving in the United States armed services to register to vote or vote in person in the normal manner. The bill directs the State Election Commission to take all steps necessary including, but not limited to, electronic transmissions, to ensure that any out-of-state resident has the opportunity to receive and cast any ballot he would have been eligible to cast if he had resided and remained in South Carolina.

H.4331 received a favorable report from the full committee. This bill **PROHIBITS A PERSON FROM ACCEPTING MORE THAN ONE NOMINATION FOR THE SAME OFFICE**.

H.3414, pertaining to the **TABULATION OF ABSENTEE BALLOTS**, received a favorable with amendment report from the full committee. As passed by the committee, the bill provides the tabulation and counting of absentee ballots may begin at 9:00 a.m. instead of 2:00 p.m. The bill further provides that the results of the tabulation must not be publicly reported until after the polls are closed.

The Judiciary Committee adjourned debate on **H.4318**, relating to **ORDERS OF PROTECTION FROM DOMESTIC ABUSE**.

H.4387 received a favorable report. This bill requires an elected or appointed **MEMBER OF A POLITICAL SUBDIVISION OF THIS STATE TO BE PHYSICALLY PRESENT AT A MEETING WHEN HIS VOTE IS CAST**.

The full committee adjourned debate on **H.3916**, pertaining to **PROBATE JUDGES**.

LABOR, COMMERCE AND INDUSTRY

The full House Labor, Commerce, and Industry Committee met on Tuesday, January 24, and reported out **H.4404** a second time, favorable with amendment. This bill establishes **SAFETY NET PROGRAMS FOR ELECTRIC AND NATURAL GAS CUSTOMERS WITH SPECIAL NEEDS** to ensure that their utility services are protected from termination during extreme weather conditions. The legislation was recommitted and then reported out with an amendment that: (1) eliminates provisions that would limit liability for utilities that comply with the legislation, and (2) requires a customer with a permanent medical condition to submit a renewed medical certificate annually in order to continue to be registered in a Winter Protection Program. The amendment was adopted

by the full House and the bill was approved and sent to the Senate (see HOUSE WEEK IN REVIEW).

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

The full committee did not meet this week.

WAYS AND MEANS

The full committee did not meet this week.

BILLS INTRODUCED IN THE HOUSE THIS WEEK

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

H.4501 REVISIONS TO THE "SOUTH CAROLINA POLLUTION CONTROL ACT" PERTAINING TO EPHEMERAL STREAMS Rep. G.R. Smith

This bill defines the term 'ephemeral streams' as streams that generally have defined natural watercourses that flow only in direct response to rainfall or snowmelt and in which discrete periods of flow persist no more than 29 consecutive days per event and are considered waters of the United States. The bill further provides that the Department of Health and Environmental Control in administering the "South Carolina Pollution Control Act" has jurisdiction over an ephemeral stream as defined above.

H.4510 "ELECTRONIC WASTE MANAGEMENT ACT" Rep. Funderburk

The stated purpose of this legislation is to enact a comprehensive and innovative system for the reuse, recycling, and proper and legal disposal of electronic devices presumed to be a hazardous waste when discarded. The bill provides incentives to design electronic devices that are less toxic, more recyclable, and that use recycled materials.

H.4514 RECORDS ASSOCIATED WITH LEASES GRANTED FOR SHELLFISH BOTTOMS Rep. Ceips

This bill relates to information or reports by a licensee or permittee authorized to take saltwater fishery products for commercial or scientific purposes and the confidentiality of certain information. The bill provides that all records associated with leases granted for shellfish bottoms, including, but not limited to, catch and earnings data, is subject to public disclosure.

H.4523 SOLID WASTE LANDFILLS Rep. Duncan

This bill prohibits a solid waste landfill from being located within 500 yards of a county line.

H.4529 SHELLFISH AND COMMERCIAL SHELLFISH CULTURE AND MARICULTURE PERMITS Rep. Ceips

This bill clarifies that only state residents may be issued such shellfish permits. For this purpose, the term "state resident" means an individual who is a legal resident of South Carolina or an entity, the majority stockholder, partner, or principal of which is a legal resident of South Carolina.

EDUCATION AND PUBLIC WORKS

S.1036 YORK COMMISSION FOR TECHNICAL EDUCATION Sen. Hayes

This bill revises provisions regarding the York County Commission for Technical Education by changing the name of this Commission to the "York Commission for Technical Education" and by providing that the Commission will serve the counties of York, Chester, and Lancaster. The bill also amends the membership of the Commission by adding a member from Chester County and a member from Lancaster County, and provides for the appointment and terms of office of all members of the Commission.

H.4487 "SOUTH CAROLINA EARLY CHILDHOOD OPPORTUNITY AND INTERVENTION ACT OF 2006" Rep. Harrell

This bill amends Article 5 of the "Education Accountability Act of 1998", regarding academic plans for students who lack skills to perform at grade level.

The bill provides that beginning with the 2006-2007 school year and as part of the academic plan, students in grades three through eight who have been determined to lack the skills to perform at current grade level must be screened for vision and hearing problems as well as general health problems that may interfere with the student's academic progress.

The bill requires and provides for intensive instructional programs for students who score below grade level on the reading portion of the English language arts statewide assessment at grade three or grade four in 2006 and thereafter. Under the bill, third and fourth grade students identified for these programs are to be weighted 1.24 for purposes of the Education Finance Act.

The bill provides that if a student in grades five through eight has scored below grade level on the reading portion of the statewide English language arts assessment for two consecutive or for two of three consecutive years, then the time for reading instruction during the school day for that student must be increased as provided in the bill. For these students, the school or district may reduce instructional time in other content areas until the student is reading on grade level.

The respective programs required for these students in grades three through eight must be for a minimum of three years and may be extended as provided in the bill. The Education Oversight Committee is required to monitor the implementation of the pilot programs and to report on progress and results as provided in the bill.

The bill encourages districts to develop policies and to implement practices that reduce the number of students retained at any grade level.

**H.4488 “SOUTH CAROLINA SCHOOL DISTRICT REORGANIZATION
AND REALIGNMENT ACT OF 2006” Rep. Harrell**

This bill requires the Education Oversight Committee (EOC) to study and examine: the optimum size of school districts, as delineated in the bill; revisions of law necessary to implement school district consolidation or organizational recommendations made by the EOC pursuant to studying the optimum size of the districts; local school funding recommendations for a district that is made up of more than one county; and other matters as the EOC considers appropriate.

The bill includes criteria for the study and requires the EOC to issue a report and recommendations by December 15, 2006. The bill requires that the report must include, and the EOC must draft and recommend, conforming changes to local statutory laws to implement its recommendations. The bill provides that if the recommendations and changes in local law are approved by the General Assembly by joint resolution, the recommendations and changes take effect as specified in the recommendations and conforming changes. If the General Assembly enacts a joint resolution to approve the EOC's recommendations and changes in local laws, the recommendations and conforming changes in local laws are deemed to be incorporated into the joint resolution by reference and are considered to be enacted by the General Assembly as part of the joint resolution. If the recommendations and conforming changes in local laws are disapproved by the General Assembly by joint resolution, the recommendations and changes in local laws shall not take effect. If the General Assembly, by joint resolution, fails to approve or disapprove the recommendations and conforming changes to local laws by July 1, 2007, the recommendations and changes in local laws take effect.

The bill provides that the General Assembly may not amend the recommendations and proposed changes to local laws while they are under consideration for approval or disapproval, but the General Assembly may by concurrent resolution request the EOC to withdraw its recommendations and conforming changes to local laws and resubmit them with revisions. The bill provides that the decision to take this action rests solely with the EOC.

**H.4489 PUBLIC SCHOOL ENROLLMENT CHOICE PROGRAM Rep.
Townsend**

Beginning with the 2007-2008 school year, this bill establishes and provides for an enrollment choice program within the public school system of South Carolina, allowing a parent residing in this State to enroll his child in a public school in any school district without the requirement of payment of tuition. The bill requires that all school districts of the state participate in public school open enrollment.

The bill authorizes and provides for a parent to apply to enroll his child in a school in a receiving district, and provides for the Board of Trustees of the receiving district to approve or deny the application. The bill prohibits misplacing a student who resides in the attendance zone of a school by students transferring from outside the attendance zone. School districts are not required to accept students residing outside of the school

district in excess of three percent of the district's highest average daily membership in any year over the preceding ten-year period. The bill provides for the district to phase in acceptance of students residing outside the school district. Districts are not required to make alterations in the structure of a requested school or to establish a particular program if the program is not currently offered in the requested school. Districts are not required to alter or waive an established eligibility criteria for participation in a particular program.

The school board of trustees is required to adopt specific policies regarding capacity standards, standards of approval, and priorities of acceptance, all as provided for in the bill. Receiving school districts only may deny resident students living outside the attendance zone or nonresident students permission to enroll for reasons provided in the bill. Sending school districts may only deny resident students a transfer to a receiving district when the transfer would violate a district desegregation plan.

The bill provides circumstances in which a receiving district may terminate the enrollment of a nonresident student at the end of a school year. Under the bill, parents are responsible for transporting students to and from school.

Students enrolled in receiving districts must be included in the average daily membership of the receiving district for purposes relating to allocation of state and federal education funding, and districts must receive one hundred percent of the base student cost from the State for nonresident students enrolled.

The bill provides that students enrolled in a receiving district are ineligible to participate in interscholastic athletic contests during the student's first year of enrollment in the receiving district unless the sport in which the student wishes to participate is not offered in the district of residence.

The bill requires a receiving school district to accept Carnegie credits for a course completed in another accredited school district and requires the receiving district to award a diploma to a nonresident student if the student meets all state requirements for graduation.

The bill requires the State Department of Education to conduct an annual survey of districts to determine the number of students participating in the open enrollment program, as described in the bill, and report findings to the General Assembly annually by January 1.

**H.4506 COMMITTEE TO STUDY TRANSPORTATION NEEDS OF
SENIOR AND DISABLED CITIZENS Rep. Neilson**

This joint resolution creates and provides for a committee to study and report to the General Assembly by January 14, 2007, the transportation needs of the State's senior and disabled citizens with the goal to find ways to improve the quality of transportation for this segment of the State's population. Upon issuance of its report and recommendations, the Committee is dissolved.

H.4515 SPECIAL LICENSE PLATES FOR GLEAMNS HUMAN

RESOURCES COMMISSION Rep. Parks

This bill authorizes and provides for the issuance of special motor vehicle license plates to members of the GLEAMNS Human Resources Commission.

H.4519 SEATBELT REQUIREMENTS Rep. Pinson

This bill provides that safety belt requirements do not apply to newspaper carriers.

JUDICIARY

S.800 INCREASED PENALTIES ASSOCIATED WITH A VIOLATION OF THE PROVISIONS THAT REQUIRE A CHILD TO BE SECURED IN A MOTOR VEHICLE PASSENGER RESTRAINT SYSTEM

Sen. Sheheen

This legislation pertains to the provisions that require a child to be secured in a motor vehicle passenger restraint system. Current law provides that a person may not be taken into custodial arrest for violation of these provisions; this bill deletes the prohibition on custodial arrest for a violation. This bill increases the maximum fine from \$25 dollars to \$150 dollars for a violation. The bill further provides that the court shall waive the fine against a person who, before, or upon the appearance date on the summons, supplies the court with evidence of acquisition, purchase, or rental of an appropriate child restraint system.

H.4490 JUDICIAL MERIT SELECTION COMMISSION Rep. Harrison

This bill changes the time frame for the formal release of the Judicial Merit Selection Commission's nominees from 48 hours after the nominees have been initially released to the members of the General Assembly to the next legislative day that falls on a Tuesday.

H.4502 EMINENT DOMAIN PROPOSED CONSTITUTIONAL AMENDMENT
Rep. Edge

Eminent domain is the power of a governmental entity to take private real estate for public use, with or without the permission of the owner. This joint resolution proposes to submit to the voters at the next general election whether or not to amend the State Constitution with regards to the exercise of the power of eminent domain by public bodies. The proposed amendment deletes certain county specific provisions in the State Constitution. The proposed amendment provides that private property must not be taken if at the time of the condemnation the public body condemning the property intends to convey any interest in the real property to another private party with specified exceptions. The proposed amendment further provides for just compensation for the owner of real property if a land use law reduces its fair market value.

H.4503 EMINENT DOMAIN Rep. Edge

Eminent domain is the power of a governmental entity to take private real estate for public use, with or without the permission of the owner. This bill makes numerous revisions pertaining to eminent domain, which include:

- Counties and municipalities are required to take certain steps before exercising eminent domain.
- The owner of condemned property has the right of first refusal to redeem his property if the condemning entity does not use the property for the intended public use or it contemplates a sale to another party.
- Written approval from the State Budget and Control Board is required before certain public bodies may exercise eminent domain.
- The bill enacts "The Just Compensation For Land Use Restrictions Act," which provides a process for calculating and obtaining just compensation when a land use regulation affects a land's value.
- The Tax Increment Financing Act (TIF) for counties does not apply to agricultural real property.
- The bill limits the exercise of eminent domain for slum clearance and redevelopment of a blighted area by counties and municipalities.
- The bill provides definitions for the following terms "blighted", "just compensation", and "public use".
- The bill specifies which public entities have the authority to exercise eminent domain.

**H.4508 *SUSPENSION OF THE DRIVER'S LICENSE OF A PERSON
CONVICTED OF A CONTROLLED SUBSTANCE VIOLATION*
Rep. Rutherford**

This bill repeals S.C. Code Ann. §56-1-745, relating to the suspension of the driver's license of a person convicted of a controlled substance violation.

**H.4509 *REVOCATION OF A LICENSE OF A PERSON WHO IS OUT OF
COMPLIANCE WITH AN ORDER FOR CHILD SUPPORT* Rep.**

Kennedy

This bill provides that a person whose driver's license has been revoked due to noncompliance with an order for child support may obtain a special restricted driver's license under certain circumstances. Among other things, to qualify for the restricted license the person must be enrolled in a college or university or be employed, and the fee is \$100 dollars.

**H.4513 *STUDY COMMITTEE ON CRIMINAL DOMESTIC VIOLENCE ISSUES*
Rep. Cobb-Hunter**

The study committee on criminal domestic violence issues is scheduled to report its recommendations to the General Assembly by February 15, 2006. This bill extends the deadline for the report to the appropriate time after the committee has determined its recommendations.

H.4516 CRITICAL INCIDENT PLANNING AND MAPPING SYSTEM

Rep. J.E. Smith

This bill requires the Department of Public Safety to establish a statewide planning and mapping system for the public buildings in the State for use by response agencies that are called upon to respond to an act of terrorism or a related emergency.

H.4517 ADMINISTRATIVE LAW COURT HEARINGS AND PROCEEDINGS

Rep. Harrison

Current law provides that contested cases arising under the Occupational Safety and Health Act are not heard by an administrative law judge; this bill deletes this particular exception so that such cases may be heard by an administrative law judge.

The bill provides that the Court of Appeals has jurisdiction over a final decision of an agency or a final decision of an administrative law judge.

Relating to Department of Labor, Licensing and Regulation (LLR) hearing occupational health and safety contested cases, this bill allows a party aggrieved by a citation, penalty, or abatement issued by LLR, Division of Labor to request a contested case hearing before the administrative law court in accordance with the Administrative Procedures Act. The bill further provides procedures for appearing in and appealing such cases and repeals Article 6, Chapter 15, Title 41, relating to the South Carolina Occupational Health and Safety Review Board.

H.4521 "ILLEGAL SALE AND PURCHASE OF TOBACCO ACT OF 2006"

Rep. Altman

This bill provides that it is unlawful for a person to sell, furnish, give, distribute, purchase for, or provide an individual under the age of twenty-one years with cigarettes, tobacco, cigarette paper, or a tobacco product. The bill also provides that a person may not sell a tobacco product to an individual who does not present upon demand proper proof of age. Individuals less than twenty-one years of age may not purchase, accept receipt, attempt to purchase, attempt to accept receipt of a tobacco product, or present or offer fraudulent proof of age for the purpose of purchasing or possessing a tobacco product. It is unlawful for an individual under the age of twenty-one to possess a tobacco product. A law enforcement agency may use minors to test a community's compliance with these provisions.

The bill outlines various penalties for failure to comply with these provisions. Individuals less than twenty-one face the following additional penalties upon conviction:

- ineligible to receive a state-sponsored scholarship including, but not limited to, the Palmetto Fellows Scholarship and the LIFE Scholarship;
- shall have his scholarship permanently revoked for the remainder of his academic career if he currently is a state-sponsored scholarship recipient; and
- shall have his driver's license revoked by the Department of Motor Vehicles for one year from the date of conviction.

H.4525 "SUCCESSOR ASBESTOS-RELATED LIABILITY FAIRNESS ACT"

Rep. Barfield

The stated purpose of this legislation is that cumulative recovery by all asbestos claimants from innocent successors be limited; the stated intent is to simply change the form of asbestos claimants' remedies without impairing their substantive rights.

LABOR, COMMERCE AND INDUSTRY

H.4532 SURETY BONDS FOR AUTOMOBILE WHOLESALER AND DEALER LICENSES Rep. Coates

This bill increases from fifteen to thirty thousand dollars the amount of the surety bond an applicant for licensure as an automobile wholesaler or a dealer must provide to the Department of Motor Vehicles and increases from fifteen to thirty thousand dollars the aggregate liability of the surety for claims on each bond and the amount of the actual loss incurred.

WAYS AND MEANS

H.4486 MINIMUM STATE FUNDS FOR SCHOOL DISTRICTS Rep. Harrell

This bill provides that notwithstanding a school district's index of taxpaying ability, the minimum state funds a district shall receive in any year is forty percent of the applicable year's base student cost. The bill provides that the difference between what a school district would receive in a particular year from its normal distribution under the Education Finance Act and what a district would receive as required by this bill must be paid from the State general fund.

H.4491 DEFINITIONS RELATING TO THE JOBS TAX CREDIT Rep. Herbkersman

For purposes of the jobs tax credit, this bill amends the definition of "qualifying service-related facility" with respect to the required average cash compensation level of jobs.

H.4504 OPERATIONS OF COUNTY TREASURERS AND AUDITORS Rep. Kirsh

This bill amends numerous sections of the South Carolina Code so as to devolve upon the Department of Revenue certain powers and responsibilities related to the operations of a county treasurer and county auditor. These powers and responsibilities are currently assigned to the Comptroller General.

H.4505 SICK LEAVE FOR STATE EMPLOYEES Rep. Neilson

This bill removes the 180 day limit on state employee sick leave that may be carried over into succeeding calendar years.

H.4511 "SOUTH CAROLINA SCHOOL FACILITIES INFRASTRUCTURE ACT" Rep. Kirsh

This bill enacts the "South Carolina School Facilities Infrastructure Act" to provide an alternative method for school districts to finance construction and improvement of school facilities. The bill creates the South Carolina School Facilities Infrastructure Authority (the Authority), governed by a board provided for in the bill, and charged to select and assist in financing qualified school projects by providing loans and other financial assistance to school districts for constructing and improving K-12 school facilities. The Authority is required to establish and maintain the South Carolina School Facilities Infrastructure Fund (the Fund) into which monies for these purposes shall be deposited.

For purposes of capitalizing the Fund, the bill allows, among other sources, the use of state general fund appropriations; federal funds; government and private contributions; monies paid or credited to the Authority as payments of principal and interest on any financial assistance and interest earnings of the Authority's monies; and proceeds from the issuance of bonds.

The bill provides for the board of the Authority to request from the State Budget and Control Board the issuance of school infrastructure bonds, subject to limitations contained in the State Constitution. The maximum principal amount of school infrastructure bonds that may be issued may not exceed five hundred million dollars unless the bonds are issued to refund prior issues of school infrastructure bonds. Joint Bond Review Committee review and approval is required before these bonds may be issued.

The bill pledges the full faith, credit, and taxing power of the State for payment of the principal and interest on these bonds and the General Assembly authorizes the annual allocation of sufficient tax revenues to pay such principal and interest. If revenues prove insufficient to pay the interest and principal of the bonds in the fiscal year, the State Treasurer is required to set aside from general tax revenues received in the fiscal year so much of these revenues as are needed and apply these revenues to the payment of the interest and principal of the bonds due.

H.4512 PROPERTY TAX EXEMPTIONS Rep. Huggins

This bill revises the currently-allowed exemption from property tax for all property of nonprofit housing corporations or solely-owned instrumentalities of these corporations which is devoted to providing housing to low or very low income residents by providing that the solely-owned instrumentalities must be nonprofit.

H.4518 TAXATION OF A NEW STRUCTURE ON LAND Rep. Chellis

This bill allows a county governing body to provide that any owner of land on which a new structure has been erected and which has not been appraised for taxation shall list the new structure for taxation with the county auditor of the county in which it is located by the first day of the next month after a certificate of occupancy is issued for the structure. The bill further provides that a new structure must not be listed or assessed until it is completed and fit for the use for which it is intended.

H.4530 ACCESS TO MARINA RECORDS AND PREMISES FOR TAX PURPOSES Rep. Limehouse

Current law requires a marina to provide immediate access to its business records and premises to city, county, and state tax authority employees for the purpose of making a property tax assessment. For these purposes, this bill defines "business records" as only a boat name, the name of the boat owner, and the boat owner's billing address.

H.4531 SERVICE CREDIT FOR SOUTH CAROLINA RETIREMENT SYSTEM AND POLICE OFFICERS RETIREMENT SYSTEM Rep. Talley

This bill increases from 90 to 120, the maximum number of days of unused sick leave for which a member may receive credit at retirement at no cost to the member.

H.4534 "SOUTH CAROLINA EDUCATIONAL OPPORTUNITY SCHOLARSHIP ACT" Rep. Edge

This bill authorizes and provides for a student whose household income is less than 200% of the federal poverty rate or who is mentally or physically handicapped, to use an educational scholarship to transfer from a failing school to a passing public school or an independent school.

The bill provides for adjustment of monetary differences between districts, and if the student transfers to an independent school, the bill requires the Department of Education to issue a check to the parents or guardians and the independent school for the lesser of \$4,500 indexed each year to the consumer price index or the cost of tuition at the independent school. If the transferring student is physically or mentally handicapped the bill provides for the adjustment of monetary differences between the schools. If a qualifying mentally or physically handicapped student transfers to an independent school, the bill requires the Department of Education to issue a check to the student's parents or guardians and the independent school for the lesser of an amount equal to the appropriate pupil classification weighting for that student multiplied by 75% of the projected state per pupil cost or the cost of tuition fees at the independent school.

The bill includes requirements for independent schools that accept scholarship students including but not limited to minimum education and experience for teachers, financial viability, and administering and reporting students' aggregate scores on nationally recognized achievements tests. The bill includes requirements for failing public schools to notify parents of their options pursuant to this bill, and the bill outlines requirements for such parents who wish to transfer their child to another school.

The bill requires and provides for the State Budget and Control Board annually to provide for the preparation of a report of the impact of the implementation of the provisions of the bill on school enrollment and state and local funding of public schools. The State Budget and Control Board is also required to provide for a long-term evaluation of the impact of the bill's provisions. This evaluation must be conducted for a minimum of five years beginning five years after enactment of this section of the bill.

The bill also provides tax credits for tuition paid for qualifying students to attend a public or independent school. Students who are receiving the educational scholarships are not eligible for this tax credit. The credit claimed for each qualifying student is \$1,000 indexed each year to the consumer price index. For each physically or mentally handicapped student, the credit may not exceed the lesser of the actual tuition paid or the appropriate pupil classification weighting multiplied by 75% of the projected state per pupil cost. The bill allows a tax credit for a qualifying student who is taught at home of up to \$500 per year, indexed each year to the consumer price index.

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